

NOTICE

TO: Attorneys and other parties in interest

FROM: Jerry A. Funk
United States Bankruptcy Judge

DATE: February 8, 2001

RE: Procedure for relief from stay in Chapter 7 cases

The Court informs attorneys and other interested parties that motions for relief from stay in Chapter 7 cases filed on or after March 1, 2001 will be disposed of as follows:

1. Upon receipt of a motion for relief from stay and appropriate accompanying materials, the Court will issue an Order Directing Response to Motion for Relief from Stay, a copy of which is attached to this Notice.
2. If the period set forth in paragraph 1 of the Order Directing Response passes without an appropriate response being filed, the movant must submit to the Court a proposed order granting relief from the automatic stay based on lack of a response. A sample order is attached to this Notice.
3. If no appropriate response has been filed in opposition to the motion for relief from stay in the time allowed, then the proposed order granting relief from stay will be signed without further notice or hearing. If an appropriate response has been filed, then a hearing will be scheduled and noticed.

A motion for relief from stay filed on or after March 1, 2001 in a Chapter 7 case must be accompanied by affidavits or other qualified attachments setting forth facts relevant to the disposition of the motion, such as the indebtedness alleged and the asserted value of the collateral securing that indebtedness.

The Court hopes that this procedure, with cooperation from all parties involved, will greatly streamline the administration of Chapter 7 cases in the Jacksonville Division. Relief from stay procedures in Chapter 9, 11, 12, and 13 cases will remain unchanged.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In Re:

CASE NO. (3F7)

Debtor(s).

_____ /

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

This Case is before the Court on the Motion for Relief from Stay filed by (Movant) on March 1, 2001. The Court entered an Order Directing Response to Motion for Relief from Stay on March 2, 2001. No appropriate response having been filed in accordance with the Order Directing Response, it is

ORDERED:

1. The Motion for Relief from the Automatic Stay is granted.
2. The Automatic Stay imposed by 11 U.S.C. § 362 is lifted as to Movant, and it may proceed with the foreclosure of its lien on the following property:

[LEGAL DESCRIPTION]

3. This Order is entered for the sole purpose of allowing Movant to obtain an *in rem* judgment against the property described above. Movant shall not seek an *in personam* judgment against Debtor(s).

DATED March 11, 2001 at Jacksonville, Florida.

JERRY A. FUNK
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

CASE NO:

IN RE:

Debtor(s)

ORDER DIRECTING RESPONSE TO MOTION FOR RELIEF FROM STAY

This case came on for consideration of the Motion for Relief from Stay filed by on . The filing of this motion creates a contested matter under F.R.B.P. Rule 9014. Accordingly, it is

ORDERED:

1. The debtor and the trustee shall file and serve on the moving party their written response to the motion no later than 10 days from the date of service of this order. Pursuant to F.R.B.P. Rule 9006(f), the respondent may add three (3) days to the 10-day response period in calculating the response due date because this order is served by mail.

2. If a responding party fails to file and serve a written response as ordered above, the Court will consider that the responding party does not oppose the relief requested in the motion. In that event, the court will proceed to consider the motion without further notice or hearing upon the submission by the moving party of an appropriate form of proposed order.

3. If the written response reveals factual or legal issues requiring a hearing, the court will schedule a hearing on the motion and notify the parties. Otherwise, the court will consider the motion and the responses on the papers without further notice or hearing.

DATED March 21, 2001, at Jacksonville, Florida.

Copies to:
Debtor(s)
Debtor(s)' Attorney (if applicable)
Trustee
United States Trustee
Movant (Name and Address)
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